

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

March 4, 1991Hearing Room "B" 3:00 p.m. Tapes 35 - 36

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair  
Sen. Jim Bunn Sen. Ron Grensky Sen. Tricia Smith Sen. Dick Springer

MEMBERS EXCUSED:Sen. John Kitzhaber

STAFF PRESENT: John Houser, Committee Administrator Jayne  
Hamilton, Committee Assistant

MEASURES CONSIDERED: SB #690 - Relating to false  
statements in political solicitations, WS SB #130 - Relating to  
relocated buildings, PH SB #131 - Relating to boilers, PH

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation  
marks report a speaker's exact words. For complete contents of the  
proceedings, please refer to the tapes.

TAPE 35, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:07.

007 HOUSER: Distributes LC Drafts 3707, exhibit A, 3705, exhibit B,  
3732, exhibit C, and 266 5 Exhibit D.

020 OTTO: I hope it's understood that because we vote to introduce a  
bill, we are under no obligation to support the bill.

022 CEASE: That's exactly how I feel.

046 HOUSER: Reviewed the LC Drafts for the Committee.

072 MOTION: SEN. CEASE MOVED TO ADOPT LC DRAFTS 3707, 3705, 3732, AND  
266 5 AS COMMITTEE BILLS. HEARING NO OBJECTIONS, SO ORDERED.

(TAPE 35, SIDE A)

WORK SESSION

SB 690 RELATING TO FALSE STATEMENTS IN POLITICAL SOLICITATIONS

092 MOTION: SEN. BUNN MOVED TO SEND SB 690 TO THE PRESIDENTS DESK  
WITHOUT RECOMMENDATION AS TO PASSAGE, AND BE REREFERRED TO THE  
REDISTRICTING COMMITTEE

096 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. KITZHABER AND SEN.  
GRENSKY).

(TAPE 35, SIDE A)

PUBLIC HEARING

SB 130 RELATING TO RELOCATED BUILDINGS

Witnesses:Gary Wicks, Building Codes Agency Peggy Collins, Building  
Codes Agency Greg Carlson, City of Portland Don Woodly, Oregon Building  
Officials Association

105 HOUSER: Distributes Fiscal impact statement, Exhibit E.

105 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit  
F. Referred to fact sheet, Exhibit G.

150 WICKS: Submitted and reviewed proposed amendments, Exhibit H.

175 BUNN: If I recall, the provision of the law that you are trying to  
change is the section that we put in last session.

180 WICKS: That's correct.

181 BUNN: If we take one of the houses that was moved off the mall area

and move it somewhere else, you wouldn't have to go through and replace the windows with thermo- windows or replace the wiring and plumbing. That was the main purpose of that type of legislation wasn't it?

185 PEGGY COLLINS, BUILDINGS CODES AGENCY: My understanding was that the intent was not to have to rebuild the buildings when they were moved. The problem comes in when the use changes. There are significantly different building code requirements for commercial uses as opposed to residential uses.

195 BUNN: Say the zoning changed and a law office can locate in one of those houses. For an attorney to go in and use that building they wouldn't be required to rebuild it to meet the current codes would they?

203 WICKS: Not if they were just to occupy it on it's present location.

204 COLLINS: They wouldn't be required to rebuild the building.

208 BUNN: If I read this correctly, you can take one of those houses and move it for a residential home and not have to bring it up to code, but if you moved it and tried to use it as a law office or some other use you would have to bring it up to code wouldn't you?

213 COLLINS: No you would not be required to do that if it was not hazardous and the Building Official accepted the existing condition. There would be a change of occupancy requirement that would require an upgrade of some things, such as exsisting hand rails and those types of things.

223 BUNN: As I read the bill it says if I change the use we lose all of the protection that we built into the law last session. I'm reading the bill very differently than your last statement. Maybe you can help me understand why I'm reading the bill incorrectly.

236 COLLINS: Those code requirements that are different from a single family residence could be required to be updated. There's not a blanket protection against requiring those things.

240 CEASE: I thought you said "or" if they were safe and this says "and" on line 8 .

252 COLLINS: That particular line refers to buildings that are going to be used for the same occupancy. The item that Sen. Bunn is referring to is on line 29 that talks about buildings that are intended for different occupancy classifications. The problem that we were experiencing is the provisions that were adopted last session were housing code provisions that addressed residential uses. They don't deal with occupancies like medical clinics or office buildings.

270 BUNN: Will this building, once it's moved, be subject to the same conditions as if I were in a building and the zoning changed and I changed the use?

289 COLLINS: It would be required to be brought up to current code or at least those codes that applied that are different than the residential requirements.

295 BUNN: If I move a building that was built in 1978, what you're saying is that if it's a residence and it's now going to be used for a medical office that I've got to now bring that building up to the 1978 codes that would of been required for a medical building.

302 COLLINS: Up to the current building code.

303 BUNN: If I have a house and zoning changes and I can now make that house a medical office, under the status quo I am required to bring that facility up to the same code as if I started from scratch building the medical facility?

307 COLLINS: Yes if it were not moved. If it were moved it would only have to comply with the housing requirements.

313 SMITH: I appreciate your efforts to save structures that are being moved. Can you tell me if 5 sq. feet is generally about as big as a window?

333 COLLINS: Yes a five square foot of open space is consistent with the current dwelling code for the first couple of stories.

335 SMITH: Why are you requiring windows that comply with existing code?

344 COLLINS: The city of Portland asked us to consider that amendment along with the Oregon Building Officials. Because it is one of the largest energy losers for residences it would provide a lost opportunity to save energy in a building that was moved, as opposed to requiring those windows to be taken out and replaced with windows that comply with current codes.

356 SMITH: That can be very expensive.

363 COLLINS: Yes. It has been estimated that the cost for this would be approximately \$1,500.00 to \$2,000.00 to install storm windows as opposed to the cost of replacing windows.

371 SMITH: My concern is often there is a lot of work that has to be done before you get to the point of installing storm windows. That can be burdensome on someone who is interested in restoration.

390 COLLINS: That could be handled at the local jurisdiction level with the local building official. Often times a building official will allow a person to occupy the residence if they have taken care of the primary structural safety hazards that might be in existence with remodel of the building.

401 SMITH: Even though the language in the statute, if we adopt your amendments, will be fairly specific that this is required prior to occupancy?

404 COLLINS: Not necessarily.

449 GRENSKY: In my area many of the homes that get moved are frequently used as low income housing. I'm concerned that as we continually add requirements to these homes there's going to be less incentive to move them and more incentive to tear them down.

TAPE 36, SIDE A

028 WICKS: I understand your concerns about the cost of windows and installation. On the other issues we're talking about life safety issues, in terms of wiring, and they are very important standards that ought to apply when we're moving a house or changing the use of a house. That's what we're trying to get at in the bill.

049 BUNN: Are we opening up a blanket policy that every home has to be rewired as a safety policy?

056 WICKS: That is not the intent of SB 130.

066 BUNN: Why wouldn't we be giving you that authority if you determine it is dangerous to leave it?

067 WICKS: If we determined that there was a life threatening situation related to the electrical wiring, then yes we would have the authority to go in and say that the building would have to be changed in order to remove the life threatening situation.

080 BUNN: All you would have to say according to the bill is that you think it could be dangerous.

081 WICKS: That's not our intention. Refers to line 18, and 19 of the bill.

111 OTTO: Appointed Sen. Bunn and Sen. Smith to a work-group.

160 GREG CARLSON, CITY OF PORTLAND: Expressed concern that the bill, as it is currently written, is confusing and believes the changes in this bill are necessary.

185 SMITH: Can you speak to my concern about the person who buys a historic house and moves it with the plan to occupy the house and restoring it as they can over a period of time?

199 CARLSON: Most of the buildings that we find being moved are smaller buildings that end up being low income rental properties. A one time investment of replacing old widows with storm windows can promote savings in future utility bill charges. The City of Portland has allowed temporary occupancy without full code compliance. Something long term might be a problem.

221 SMITH: What's temporary?

225 CARLSON: As long as the building official feels comfortable allowing occupancy.

268 DON WOODLY, OREGON BUILDING OFFICIAL ASSOCIATION: Historical houses are

treated separately. Reiterated the statements of lowering the utilities for lower income housing.

298 OTTO: Closed the hearing and asked for Sen. Smith, Sen. Bunn, and Sen. Springer to serve on a special work group.

(TAPE 36, SIDE A)

PUBLIC HEARING

SB 131 RELATING TO BOILERS

Witnesses: Gary Wicks, Building Codes Agency Clarence Hensen, Building Codes Agency Robert Lawton, Pulp and Paper MFG. Burton Weast, Plumbing Heating and Cooling Contractors Nick Skovel, Tri Ad Mechanical John Egge, Milwaukee Plumbing Matt Walters, Plumbers and Pipe Fitters

317 CLARENCE HENSEN, BUILDING CODES AGENCY: Read written testimony explaining the use of boilers, Exhibit I.

375 GARY WICKS, BUILDING CODES AGENCY: Read written testimony, Exhibit J. Referred to fact sheet, Exhibit K. Reviewed proposed amendments, Exhibit L section by section for the committee.

TAPE 35, SIDE B

003 SPRINGER: Do you have any responsibility for big boilers or any power generating facility?

014 HENSEN: All of them in the state.

020 SPRINGER: Do your people conduct inspections of those facilities as well?

021 HENSEN: Yes.

034 SPRINGER: Would you be involved in looking into restaurants where they use such items as espresso machines?

035 HENSEN: Yes, they can cause extensive damage.

039 SPRINGER: Are these type of things required to have a relief valve?

040 HENSEN: Yes.

046 SMITH: In a residential boiler, if it is repaired or altered, do you come back in and inspect?

050 HENSEN: If it's replaced then it's a new installation and we would take a look at it. If it's just being repaired we would not.

055 SPRINGER: My understanding is you can replace parts of these machines. How much would you have to replace before you would come back in?

059 HENSEN: If you changed the heating elements then you're talking about almost the entire boiler and we would come back then.

064 WICKS: Continued with proposed amendments.

114 BOB LAWTON, PULP AND PAPER MANUFACTURING: Read written testimony, Exhibit M.

300 LAWTON: Continued with proposed amendments included in written testimony.

345 OTTO: Due to the fact that certain members of this committee have appointments at 5:00 we will have another hearing on this bill at another time.

350 LAWTON: Continued with written testimony.

411 SMITH: Did your group meet with anyone from the Building Codes Agency prior to this hearing to try to work out some of your concerns?

413 LAWTON: One of the persons in our group was a member of the Boiler Rules Committee, however we did not meet officially with anyone from the Building Codes Agency.

421 SMITH: I would be interested in hearing how they feel about some of your concerns. Do you think it would be possible for you to meet with them before we come together again to hear this bill?

441 LAWTON: I have no problem with that.

450 BURTON WEAST, PLUMBING HEATING AND COOLING CONTRACTORS: Expressed concerns relating to a clear definition of where the authority of the Board ends and begins and which licensing applies at that time. Asked for the following witnesses to review proposed amendments, Exhibit N.

TAPE 36, SIDE B

043 NICK SKOVEL, TRI AD MECHANICAL: Reviewed the first part of the proposed

amendments included in Exhibit N. Expressed concerns about the Board going outside of the limits of the A.S.M.E. and specifying non-boiler external piping.

144 JOHN EGGE, MILWAUKEE PLUMBING: Reviewed the final amendment included in Exhibit N.

188 MATT WALTERS, PLUMBERS AND PIPE FITTERS: "It would be an extreme disservice to the public to kill the fitters license. We deal with the most dangerous materials in this State, most of which is currently unlicensed. We would like a Board that takes care of just the piping."

Meeting adjourned at

Submitted By:

Jayne Hamilton  
Assistant

Reviewed By:

Joan Green  
Assistant

EXHIBIT LOG

A - LC Draft #3707, staff, 6 pages B - LC Draft #3705, staff, 2 pages C - LC Draft #3732, staff, 2 pages D - LC Draft #2665, staff 20 pages E - Fiscal impact statement, staff, 1 page F - Written testimony, Gary Wicks, 3 pages G - Fact sheet, Gary Wicks, 2 pages H - Proposed amendments, Gary Wicks, 1 page I - Written testimony, Clarence Hensen, 1 page J - Written, testimony, Gary Wicks, 6 pages K - Fact sheet, Gary Wicks, 4 pages L - Proposed amendments, Gary Wicks, 15 pages M - Written testimony, Robert Lawton, 3 pages N - Written testimony, Burton Weast, 1 page